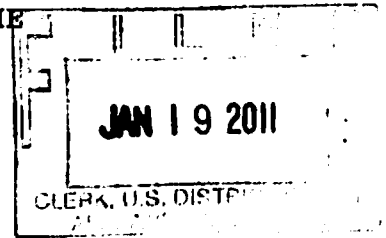


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



JOHN ZUCCARINI )

Plaintiff, )

v. )

NAMEJET, LLC, et al., )

Defendants. )

1:10cv1327 (LMB/TCB)

ORDER

Before the Court are plaintiff Zuccarini's Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 94], Notice/Motion to Strike and Replace with Second Corrected Motion [Dkt. No. 95], and Second Corrected Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 96].

In his Motions for Relief, Zuccarini argues that the Court should grant him relief under Fed. R. Civ. P. 60(B) from its final judgment on January 14, 2011 dismissing his Complaint, based on his new argument that the defendants in this civil action were negligent for not notifying the United States District Court of the Northern District of California "that their Registrar/Registrant Agreements do not recognize third-party beneficiaries" and that "they could not provide the secure setting necessary to protect the domain names from any unauthorized transfer from the receiver Michael Blackburg." See Pl.'s Second Corrected Mot. for Relief at 2.

Those arguments, however, appear nowhere in plaintiff's original Opposition to Defendants' Revised Motions to Dismiss. Additionally, although Zuccarini indicates that he had prepared an

"Addendum" to his Opposition, which he filed with the Clerk of Court and attempted to present orally at the motion hearing on January 14, 2011, plaintiff never obtained permission from the Court to file such a supplemental pleading, nor does it appear that he ever gave adequate notice to defendants regarding his wholly new arguments.

Finally, having reviewed Zuccarini's new filings, the Court finds them equally groundless and as devoid of merit as his original Complaint. Specifically, plaintiff never presents any plausible explanation for his assertion that defendants could or should have refused to transfer the domain names to the court-appointed receiver "for justifiable good cause," even in the face of a valid federal court Order mandating that transfer. Moreover, even if Zuccarini's arguments that defendants were somehow negligent had any merit, those arguments should have been raised during the litigation in the Northern District of California, or on direct appeal to the United States Court of Appeals for the Ninth Circuit, not through a collateral attack in an entirely new lawsuit.

Zuccarini has already wasted quite enough of the parties' and this Court's time and resources in responding to his frivolous claims. Accordingly, the Court dispenses with further briefing by the defendants and with oral argument on plaintiff's motions because neither would aid the decisional process, and it is hereby

ORDERED that plaintiff's Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 94], Notice/Motion to Strike and Replace with Second Corrected Motion [Dkt. No. 95], and Second Corrected Motion for Relief from Order Granting

Defendants' Revised Motions to Dismiss [Dkt. No. 96] be and are DENIED.

To appeal this decision, plaintiff must file a written Notice of Appeal with the Clerk of this Court within thirty (30) days. Failure to file a timely Notice of Appeal waives the right to appeal this decision. Plaintiff is again placed on notice that filing a frivolous appeal, or further frivolous motions in this Court, could result in the imposition of sanctions under Fed. R. Civ. P. 11.

The Clerk is directed to forward copies of this Order to counsel of record and to plaintiff, proceeding pro se.

Entered this 19<sup>th</sup> day of January, 2011.

Alexandria, Virginia

/s/ LMB  
Leonie M. Brinkema  
United States District Judge